

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BENJAMIN RUBY, individually and on
behalf of all similarly situated individuals,

Case No. 4:21-cv-01152-JAR

Plaintiff,

v.

**PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

BUILD-A-BEAR WORKSHOP, INC.,

Defendant.

Pursuant to Fed. R. Civ. P. 23(e) and (g), Plaintiff respectfully moves this Court for an order granting final approval of the Settlement Agreement and Release previously submitted to the Court. (Doc. # 59-1.) Through this Motion, Plaintiff seeks entry of an order and final judgment in a form as proposed by the Parties and submitted to the Court herewith, ruling and ordering that, among other things: (i) the settlement of this action on a class-wide basis, as set forth in the Settlement Agreement and Release, is fair, reasonable, and adequate and is the product of extensive arms-length negotiations between the Parties; (ii) the Settlement Class is certified pursuant to Fed. R. Civ. P. 23(a) and (b)(3) for purposes of settlement; (iii) David Butsch and Chris Roberts of Butsch Roberts & Associates and Shawn Wanta and Scott Moriarity of Wanta Thome are appointed as Class Counsel, and Plaintiff Benjamin Ruby is appointed as Class Representative; (iv) notice to the Settlement Class has been adequate and reasonable, has satisfied all of the requirements of Fed. R. Civ. P. Rule 23(c)(2)(B) and (e)(B), due process, and constituted the best notice practicable under the circumstances; (v) the Parties may proceed to effectuate the settlement in accordance with the terms and conditions of the Settlement Agreement; and (vi) this action, including all of the claims asserted herein, is dismissed with prejudice. This Motion is based on a supporting memorandum of law, affidavits, and such other submissions as this Court may require.

Based on the foregoing, Plaintiff respectfully asks this Court to grant his Motion and order such relief as this Court deems just and proper.

Dated August 16, 2023.

/s Shawn Wanta

Shawn J. Wanta, *pro hac vice*

Scott Moriarity, *pro hac vice*

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